

IAN N. FEINBERG (SBN 88324)
ifeinberg@feinday.com
M. ELIZABETH DAY (SBN 177125)
eday@feinday.com
MARC BELLOLI (SBN 244290)
mbelloli@feinday.com
NICHOLAS MARTINI (SBN 237687)
nmartini@feinday.com
FEINBERG DAY KRAMER ALBERTI
LIM TONKOVICH & BELLOLI LLP
577 Airport Boulevard, Suite 250
Burlingame, California 94010
Tel: 650 825-4300/Fax: 650 460-8443

Attorneys for BioCardia, Inc.

ROBERT E. FREITAS (SBN 80948)
rfreitas@fawlaw.com
DANIEL J. WEINBERG (SBN 227159)
dweinberg@fawlaw.com
FREITAS & WEINBERG LLP
303 Twin Dolphin Drive, Suite 600
Redwood Shores, California 94065
Telephone: (650) 593-6300
Facsimile: (650) 593-6301
Attorneys for Surbhi Sarna
and Fortis Advisors LLC

*Attorneys for Surbhi Sarna and
EXXClaim Capital Partners I LP*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

BIOCARDIA, INC.,

Plaintiffs,

v.

NVISION MEDICAL CORPORATION,
ARBORETUM VENTURES IV, LP, ASTIA
ANGEL NVISION LLC, CATALYST
HEALTH VENTURES (PF), L.P., CATALYST
HEALTH VENTURES FOLLOWON FUND,
L.P., CATALYST HEALTH VENTURES III,
L.P., CATALYST HEALTH VENTURES, LP,
CHV INVESTMENTS, LLC, CHV
PARTNERS FUND III, L.P., CHV-E
PARTNERS III, L.P., DRAPER ASSOCIATES
INVESTMENTS, LLC, DRAPER
ASSOCIATES RISKMASTER FUND II, LLC,
DRAPER ASSOCIATES RISKMASTERS
FUND III, LLC, EXCELESTAR VENTURES
I, LLC, EXXCLAIM CAPITAL PARTNERS I,
LP, FOGARTY INSTITUTE FOR
INNOVATION, GOLDEN SEEDS NVISION
MEDICAL, LLC, LIFE SCIENCES ANGEL
INVESTORS VIII, L.L.C., LMNVC, LLC,
AND SERAPH NVISION, LLC,

Defendants.

Case No. 3:20-cv-02829-VC

Related Case No. 3:19-cv-05645-VC

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE HEARING
AND BRIEFING SCHEDULE RE
MOTION FOR SANCTIONS**

Date: March 4, 2021
Time: 2:00 p.m.
Crtrm: 3, 17th Floor
Judge: Hon. Vince Chhabria

IT IS HEREBY STIPULATED by and between Surbhi Sarna and EXXclaim Capital Partners I, LP (“EXXclaim”) and BioCardia, Inc. (“BioCardia”), subject to the approval of the Court, as follows:

WHEREAS, on January 19, 2021 Ms. Sarna and EXXclaim filed a Joint Motion for Sanctions Pursuant to the Court’s Inherent Authority, Fed. R. Civ. P. 16, and 28 U.S.C. § 1927 (“Sanctions Motion”) in Case No. 3:19-cv-05645-VC (Dkt. 164) and related Case No. 3:20-cv-02829-VC (Dkt. 111);

WHEREAS, on January 27, 2021 the Court granted Ms. Sarna’s and EXXclaim’s Administrative Motion and enlarged the page limit from 15 pages to 25 pages (Dkt. No. 168 and Dkt. No. 115);

WHEREAS, the current deadline for BioCardia’s Opposition to the Sanctions Motion is February 2, 2021;

WHEREAS, M. Elizabeth Day will argue BioCardia’s Opposition to the Sanctions Motion; and

WHEREAS, the noticed hearing date on the Sanctions Motion is March 4, 2021 at which time counsel for BioCardia, M. Elizabeth Day and Marc Belloli, will be out of state preparing for and attending a trial in the Eastern District of Texas in *Wapp Tech Limited Partnership et. al. v. Seattle Spinco, Inc., et. al.* from February 21, 2021 through and including March 5, 2021 (Dkt. No. 258).

NOW, THEREFORE, pursuant to Civil Local Rule 7-12, the parties hereby stipulate, subject to the Court’s approval:

- The page limit on BioCardia’s Opposition is enlarged from 15 pages to 25 pages;
- BioCardia’s Opposition is due on February 16, 2021;
- Ms. Sarna’s and EXXclaim’s Reply is due on February 25, 2021; and
- The Hearing on the Sanctions Motion is continued to March 18, 2021 at 2:00 p.m. or to another date and time thereafter subject to the Court’s availability.

IT IS SO STIPULATED.

Dated: January 28, 2021

By: /s/ M. Elizabeth Day
M. Elizabeth Day

Attorneys for BioCardia, Inc.

By: /s/ Daniel Weinberg
Daniel Weinberg

*Attorneys for Surbhi Sarna and EXXclaim Capital
Partners I LP*

SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that concurrence in the filing of this document has been obtained from each of the other signatories shown above.

Dated: January 28, 2021

By: /s/ Elizabeth Day
M. Elizabeth Day

[PROPOSED] ORDER

Pursuant to the stipulation of the parties: (1) the hearing on the Sanctions Motion will be continued to March 18, 2021; (2) the Opposition to said Motion will be due February 16, 2021 and the page limit for BioCardia's Opposition enlarged from 15 pages to 25 pages; and (3) the Reply will be due February 25, 2021.

IT IS SO ORDERED.

Dated: _____

Honorable Vince Chhabria
UNITED STATES DISTRICT JUDGE